

CHAPTER 311

(Senate Bill 173)

AN ACT concerning

Victims' Rights Act of 1997

FOR the purpose of establishing that certain evidence relating to a victim's prior sexual conduct is not admissible in a prosecution for attempted rape or attempted sexual offense in the first or second degree; requiring the Maryland Parole Commission to notify certain victims, in writing, within a certain period of time prior to entering into or approving a predetermined parole release agreement with an inmate; prohibiting the Maryland Parole Commission from entering into a predetermined parole release agreement unless it has notified the victim under this Act; expanding certain victims' rights laws to include juvenile proceedings and victims who file a notification request form; authorizing a District Court commissioner or an intake officer, under certain circumstances, to impose certain conditions of pretrial release on a defendant; expanding the requirement that a District Court commissioner consider a certain condition of pretrial release in a stalking case to apply to any ~~criminal case~~ felony requiring a juvenile intake officer to consider a certain condition when releasing certain juveniles pretrial; requiring the clerk, under certain circumstances, to include a copy of a notification request form with a probation order; authorizing, under certain circumstances, certain judicial officers or a law enforcement officer, to withhold the release prior to trial of certain information relating to a victim or witness; providing that only the State may make a motion to prohibit the release of certain information during a criminal trial; limiting the number of attorneys that may be present when a child testifies by closed circuit television, when a judge hears testimony on whether to allow a child to testify by closed circuit television, or at an in camera examination to determine whether to admit an out of court statement by a child; limiting the number of attorneys that may question the child in a criminal, juvenile delinquency, or child in need of assistance case; ~~authorizing a victim who files a notification request form and a State's Attorney to file a leave to appeal an order that denies or fails to consider certain victims' rights; expanding the rights from which the appeal may be filed to include the right to address a jury in a death penalty sentencing and the right to prepare a victim impact statement; prohibiting the stay of a sentencing or disposition hearing when an appeal is filed under this Act; authorizing the court, under certain terms, to stay certain proceedings from which an appeal has been filed; specifying the parties to a leave to appeal filed under this Act; establishing the circumstances under which a victim or a victim's representative may address the judge before the imposition of a sentence or disposition; establishing the right of a victim's representative, subject to certain conditions, to address the jury in a death penalty sentencing; requiring a victim impact statement to identify certain information relating to contact between the defendant and the victim; expanding the requirement that a victim be notified of certain postsentencing proceedings to include victims of certain crimes who suffer direct or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act; requiring the Department of Public Safety and Correctional Services to notify certain victims of violent crime if the defendant or~~